



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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April 18, 2014

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU *PAW*
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
James Shortt v. County of Los Angeles, et al.
United States District Court Case No. CV 1105484

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled James Shortt v. County of Los Angeles, et al., United States District Court Case No. CV 1105484, in the amount of \$425,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of civil rights violations based on the actions of the County's Sheriff's Department and District Attorney's office, that resulted in a murder conviction.

CASE SUMMARY - AMENDED

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	James Shortt v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV1105484
COURT	United States District Court
DATE FILED	Complaint filed: July 1, 2011
COUNTY DEPARTMENTS	Sheriff's Department District Attorney's Office
PROPOSED SETTLEMENT AMOUNT	\$ 425,000
ATTORNEY FOR PLAINTIFF	Barry Litt, Esq. Litt, Estuar & Kitson
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$425,000, the lawsuit filed by James Shortt alleging civil rights violations. Mr. Shortt claims that he was wrongfully convicted of murder based on Sheriff's Deputies and Deputy District Attorneys eliciting false testimony from a jailhouse informant. Defendants claim that no such civil rights violations occurred and he was convicted based on eyewitness testimony.</p> <p>However, in light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of \$425,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	548,206
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PAID COSTS, TO DATE	\$	13,399
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Case Name: James Shortt v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Between 1982 and 2010.
Briefly provide a description of the incident/event:	<p><u>James Shortt v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-037</p> <p>In 1982, the plaintiff was arrested, prosecuted, and convicted of murder. The case was investigated by members of the Los Angeles County Sheriff's Department and prosecuted by representatives from the Los Angeles County District Attorney's Office. Evidence in the case included testimony from another jail inmate to whom the plaintiff confessed to the crime.</p> <p>In 1991, the jail inmate admitted his testimony in the plaintiff's murder trial was false. The plaintiff filed appeals with the Los Angeles Superior Court, the California Court of Appeal, and the California Supreme Court. All three courts let the conviction stand. The plaintiff then filed an appeal with the United States District Court. The Court denied his petition, ruling that the jail inmate's testimony did not affect the conviction.</p> <p>In 2009, the plaintiff filed an appeal with the Ninth Circuit Court of Appeals. The Court overturned the plaintiff's murder conviction on the basis that the Los Angeles County District Attorney's Office failed to disclose favorable material information regarding the jail inmate and his testimony.</p> <p>In 2010, the plaintiff was re-tried without the testimony of the jail inmate. He was acquitted by a jury.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause of this lawsuit is a decision by the Ninth Circuit Court of Appeals to overturn the plaintiff's murder conviction on the basis that the Los Angeles County District Attorney's Office failed to disclose favorable material information regarding the jail inmate and his testimony.

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County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

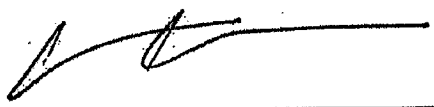
The Los Angeles County Sheriff's Department's Risk Management Bureau reviewed known facts in this case. There is no evidence to support the plaintiff's allegation that members of the Los Angeles County Sheriff's Department lied or coerced the jail inmate's testimony. No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

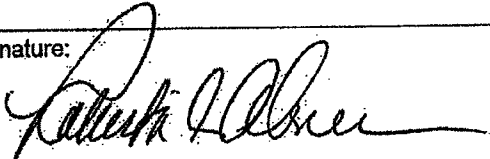
3. Are the corrective actions addressing department-wide system issues?
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

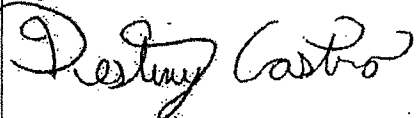
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County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ronald D. Williams, Acting Captain Risk Management Bureau	
Signature: 	Date: 3/3/14

Name: (Department Head) Roberta A. Abner, Chief Professional Standards Division	
Signature: 	Date: 3/12/14

Chief Executive Office Risk Management Inspector General USE ONLY Are the corrective actions applicable to other departments within the County? <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 3/12/2014